

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KHAMTOU VERAHA

Plaintiff,

v.

STATE OF OREGON, et al

Defendants.

Case No. 3:17-cv-1514-YY

FINDINGS AND
RECOMMENDATIONS

YOU, Magistrate Judge:

Plaintiff Khamtou Veraha filed a complaint and an application for leave to proceed *in forma pauperis* on September 26, 2017. ECF ##1, 2. For the reasons discussed below, the application should be GRANTED and the case should be DISMISSED.

The *in forma pauperis* statute states that “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, *the court shall dismiss* the case at any time if the court determines . . . the action . . . fails to state a claim on which relief may be granted.” 28 USC § 1915(e)(2)(B)(ii) (emphasis added).

Here, plaintiff provides no basis for this court’s jurisdiction, and neither the statement of claim nor statement of relief is comprehensible. The statement of claim states: “issue of detail claim would be show after hearing on vedio on crama additional claim =[.]” Complaint at 5, ECF #2. The statement of relief states: “(i) can’t go on detail at this moment not befor motion befor case started! Amounts of damages has and had not accounted for with reasoning being

undergo claim!! for part of:” *Id.* at 6. Because the complaint fails to state a claim on which relief may be granted, the court has no choice but to dismiss the case.

RECOMMENDATIONS

The court should GRANT the application to proceed *in forma pauperis* (ECF #2) and DISMISS the case with prejudice.

SCHEDULING ORDER

These Findings and Recommendations will be referred to a district judge. Objections, if any, are due Friday, October 13, 2017. If no objections are filed, then the Findings and Recommendations will go under advisement on that date.

If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendations will go under advisement.

NOTICE

These Findings and Recommendations are not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any Notice of Appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of a judgment.

DATED September 29, 2017.

/s/ Youlee Yim You

Youlee Yim You
United States Magistrate Judge